Remarks

Claims 1-63 are presently pending in the application. Claims 2, 5, and 6 have been canceled, with their material being incorporated into claim 1. In addition to claim 1, claims 3-4, 7-10, 16-24, 26-28, 30-36, and 39-45 have been amended to more particularly point out and distinctly claim the invention.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-4, 6, 12, and 13 under 35 U.S.C. 102(b) as being anticipated by Khare et al. (U.S. 5,439,867).

Khare discloses a fluidizable sorbent composition comprising zinc oxide, alumina, and silica (*see* Abstract). The sorbent can also contain a binder such as sodium silicate (*see* col. 2, lines 47-51).

It is respectfully suggested that the present invention is a patentable improvement over Khare in the recitation of a novel sorbent composition comprising a promoter in a substantially reduced valence state, preferably zero, to provide a sorbent system for removal of organosulfur compounds from cracked-gasolines or diesel fuels. The present invention teaches the formation of a sorbent composition that comprises a promoter component which is intentionally activated by the reduction of the valence of the added promoter.

The Examiner is also respectfully requested to reconsider and withdraw the rejection of claims 5, 7-11 and 14-47 under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (U.S. 5,439,867) in view of Bailey et al. (U.S. 4,634,515).

Khare discloses a composition as stated above.

Bailey discloses a sulfur trap to reduce the sulfur level of a reformer feed (*see* Abstract). This trap contains a fixed bed of a catalyst (*see* col. 2, lines 32-36). The catalyst is a nickel adsorbent in highly reduced form supported on alumina (*see* col. 3, lines 12-14).

Section 2143.01 of the MPEP states that a proposed modification cannot change the principle of operation of a reference (*see* MPEP, pages 2100-2132).

The Khare reference states ". . . it is critical for the sorption composition to have certain physical properties in order for it to be both fluidizable and able to remove by a sorption mechanism, hydrogen sulfide from a fluid stream . . ." (*see* Khare col. 2, lines 29-36).

Combining Bailey with Khare would change the principle of operation of Khare, since the Bailey catalyst is used for a fixed bed system, and the Khare composition must have qualities that render it useful for a fluidized bed system. Any attempt to use the Bailey reference to modify the Khare reference would be impermissible hindsight.

In view of the foregoing remarks, Claims 1, 3-4, and 7-63 are believed to be in condition for allowance. Therefore, allowance of claims 1, 3-4, and 7-63 is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

24 January 2005
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